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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:15-cr-00438-JO-1

Plaintiff,

**MOTION TO EXTEND SELF-
SURRENDER DATE AND SET
BRIEFING SCHEDULE ON MOTION
FOR RELEASE PENDING APPEAL**

v.

WINSTON SHROUT,

Defendant.

The defendant, Winston ShROUT, through his attorney, Ruben L. Iñiguez, moves the Court to extend the current date by which he is to self-surrender to begin serving his sentence for seven weeks (*i.e.*, until January 14, 2019, or a date that is convenient to the Court), and to set a briefing schedule for the parties to submit their respective legal memoranda on the motion for release pending appeal currently being researched and prepared by defense counsel. Counsel has not been able to determine the government's position with respect to this motion.

MOTION

On October 22, 2018, the Court sentenced Mr. Shrout to 120 months' imprisonment following his convictions for willful failure to file tax returns (six counts) and producing, presenting, and shipping fictitious financial instruments (13 counts). ECF 161. The Court ordered him to self-surrender to the Federal Prison Camp at Sheridan, Oregon, to begin serving his sentence by 2:00 p.m. on Monday, November 26. *Id.*

On October 26, Mr. Shrout filed a timely notice of appeal. ECF 163. During the past two weeks, defense counsel has been diligently researching and drafting a motion for release pending appeal. Among other things, the motion requires Mr. Shrout to demonstrate that his appeal "raises a substantial question of law or fact" that is likely to result in reversal, an order for a new trial, a sentence that does not include a term of imprisonment, or a reduced sentence to a term of imprisonment that is less than the total of the time already served plus the expected duration of the appeal process. 18 U.S.C. § 3143(b). Although the content of the motion for release pending appeal is not identical to that of the opening brief on appeal, its preparation requires effective appellate counsel: (1) to review the entire record—pretrial, trial, and sentencing—which, in this particular case, is voluminous; (2) to winnow out the most meritorious issues for appeal; (3) to perform factual and legal research to ensure the issues are supported; and (4) to draft, edit, and finalize the motion.

Despite defense counsel's best efforts to prioritize the motion for release pending appeal while handling his regular case-related obligations, additional time is necessary to complete the motion. Not only is counsel teaching at a legal seminar in California from November 14 to November 17, but he is also scheduled to be away from the office for the Thanksgiving holiday from November 18 to 25.

CONCLUSION

For each of the foregoing reasons, Mr. Shrout respectfully requests that the Court enter an Order extending the current self-surrender date for seven weeks, that is, until January 14, 2019, or a date that is convenient to the Court. He also requests that the Court set the following briefing schedule:

Motion for release pending appeal—due December 7;

Responsive brief—due December 28;

Reply brief—due January 8, 2019; and

Hearing—on January 14, 2019.

RESPECTFULLY submitted this 15th day of November, 2018.

/s/ Ruben L. Iñiguez

Ruben L. Iñiguez

Attorney for Defendant